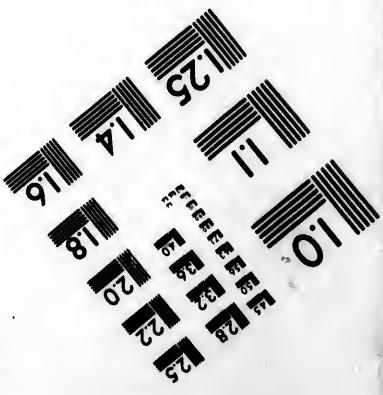
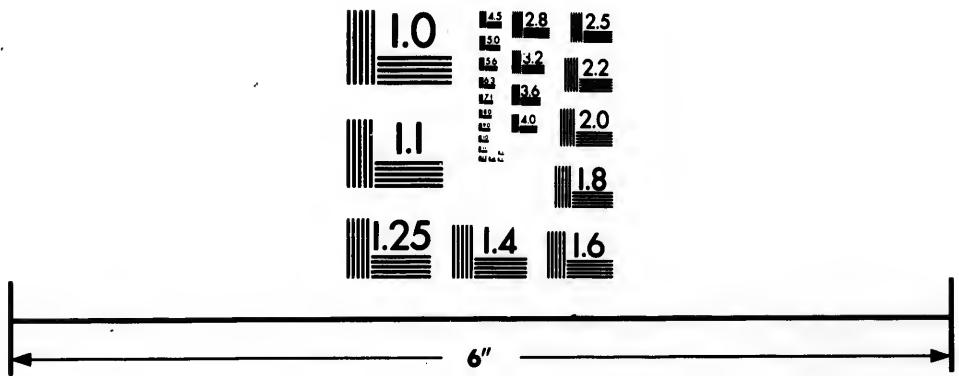


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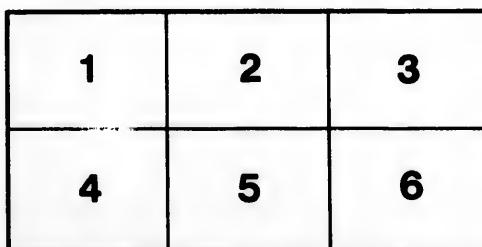
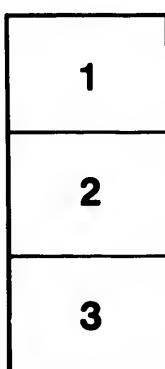
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*Hamilton*

# ACT TO RESTRAIN THE SALE

OF

## INTOXICATING LIQUORS,

FROM SATURDAY NIGHT TILL MONDAY MORNING

—22 VICT., CAP. 6—(2ND SESSION.)

*(For Upper Canada only—Sanctioned 26th March, 1859.)*

With LETTER on the subject, by JOHN J. E.  
LINTON, of Stratford, C.W.

Montreal:

PRINTED AT "THE PILOT" OFFICE.

1859.



*(Copied from the Canada Gazette, Toronto, 9th April, 1859.)*

22 VICT., CAP. 6, (2ND SESSION.)

**An Act to restrain the Sale of Intoxicating Liquors from Saturday Night till Monday Morning.**

*[Assented to 26th March, 1859.]*

Whereas it is expedient to restrain the sale of intoxicating liquors during certain periods: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. In all places where, by the laws of that part of this Province called Upper Canada, intoxicating liquors are or may be allowed to be sold by wholesale or retail, no sale or other disposal of the said liquors shall take place therein or on the premises thereof, or out of or from the same, to any person or persons whomsoever, from or after the hour of seven of the clock on Saturday night, till the hour of eight of the clock on Monday morning thereafter, and during any further time on the said days and any hours on other days during which by any By-law of the Municipality wherein such place or places may be situated, the same or the bar room or bar rooms thereof ought to be kept closed, save and except to travellers lodging at, or ordinary boarders lodging at the place or places where such liquor is sold, and save and except in cases where a requisition, for medicinal purposes, signed by a licensed medical practitioner or by a justice of the peace, is produced by the vendee or his agent, nor shall any such liquors be permitted or allowed to be drunk in any such places, except as aforesaid, during the time prohibited by this Act for the sale of the same.

2. A penalty for the first offence of not less than twenty dollars, with costs, in case of conviction, shall be recoverable from, and leviable against the goods and chattels of the person or persons who

are the proprietors in occupancy, or tenants or agents in occupancy, of said place or places, who shall be found by himself or herself, or themselves or his, her or their servants or agents, to have contravened the enactment in the first section hereof, or any part thereof; for the second offence, a penalty against all such of not less than forty dollars, with costs, for a third offence, a penalty against all such of not less than one hundred dollars, with costs, and for a fourth or any after offence, a penalty against all such of not less than three months imprisonment with hard labor, in the common gaol of the County wherein such place and places may be, the number of said offences to be ascertained by the production of a certificate from the convicting Justice, or by other satisfactory evidence to the Justice before whom the information or complaint may be made; and it is hereby enacted that convictions for several offences may be made under this Act although such offences may have been committed in the same day; Provided always, that the increased penalties herein before imposed shall only be recoverable in the case of offences committed on different days.

3. Any person or persons may be the informant or informants, complainant or complainants, in prosecuting under this Act; all proceedings shall be begun within twenty days from the date of the offence, all informations, complaints, or other necessary proceedings, may be brought and heard before any one or more Justices of the Peace of the County where the offence or offences were committed or done, and the mode of procedure in, and the forms appended to, the Act sixteenth Victoria, chapter one hundred and seventy-eight, for summary proceedings, may be followed as regards the cases and proceedings under this Act.

4. The said penalties in money, or any portion of them which may be recovered, shall be paid to the convicting Justice or other acting Justice in the case, and by him paid equally, one half to the informant or complainant, and the other half to the Treasurer of the Municipality where the place or places referred to are situated.

5. The word "Liquors" shall be understood to mean and comprehend all spirituous and malt liquors, and all combinations of liquors or drinks which are intoxicating.

6. This Act shall apply to Upper Canada only.

**The Sunday Liquor Act, 22 Vic. Cap. 6.  
(Second Session.)**

STRATFORD, C. W., April 25, 1859.

TO THE EDITOR OF THE PILOT.

DEAR SIR,—On turning to the files of your valuable paper in January; you will find that you did me the favor of inserting in the *Pilot* (on the 14th January) a copy of the "Bill" for "An Act to restrain the sale of Intoxicating Liquors from Saturday night till Monday morning."—That Bill I drew up, and sent copies of in manuscript to you and to several others, and I circulated many hundred copies of it in print;—and, in reply to the one sent to the Chief Justice of Upper Canada, Sir J. B. Robinson, Bart., he approved of its tenor so far as to submit it to a Member of Parliament,—and the various letters received by me, showed that its principle was approved of; and Members of Parliament in both Houses did not hesitate to write me, that the measure would receive their cordial support.

Parliament met on the 29th January, and the Bill was introduced into the Upper House by the Hon. Mr. Campbell, member for the Cataraqui Division (Kingston) on the 9th February, and in a highly creditable manner it was attended to by him in that House,—passed through a committee of its members appointed to revise it,—and ultimately passed its third reading, and was sent down on the 25th February to the Lower House, the Legislative Assembly, for its concurrence,—where, on the 17th March, it was debated on, and, on the 18th, agreed to, and passed with two valuable amendments proposed by the Hon. Mr. Mowat.—On the 21st the Bill, as sent from the Lower House, with the amendments, was finally passed by the Upper House, and awaited His Excellency's sanction to become the law of Upper Canada; and, on the 26th March, he,—doing, in my humble opinion, a most noble and humane act,—sanctioned the "Bill," and it forthwith became the law of Upper Canada. It is the Act, 22 Vic. cap. 6. (Second Session.) In its course, in the Lower House, the Bill was, on the 9th March, referred to the Select Committee on a Prohibitory Liquor Law, composed of Mr. Simpson, M. P. for Niagara, Mr. Roblin, Hon. M. Cameron, and other eight Members, and,

on the 11th, they (as the Report states) took the Bill into consideration,—“and, after careful examination, it was agreed to report said Bill to the House without amendment.”

I certainly was not idle from the 10th January to the beginning of March, in endeavoring to enlist “a sentiment” in favor of the Bill in Parliament and out of it; and I noticed also that the Bill was copied into several papers,—but your paper the *Pilot*, and the *Colonist* of the 15th January, (evening edition,) were the first to publish it,—and one M.P. wrote me, (D. Roblin, Esq.) that he was of himself prepared to introduce it from the copy he saw in the *Pilot*.

Apart from the feeling of those who are inimical to restrictive legislation (which may be neither more nor less than making laws as to what was *previously* legislated upon,) and of those engaged in the Traffic of Intoxicating Drinks; and, also, of another class, apart from the opinions of these classes, the measure appeared to be most acceptably received. It is now the *law* of Upper Canada, and I hope it will be *respected*, as much for the solemn reasons grounded on the too true but sad and reliable facts, which induced its being prepared by me, as for its help, as a means, for the quiet unsecular observance of a day sacred to all who profess to believe in Christianity, namely, the Sabbath Day, or the Lord’s Day, otherwise called Sunday.

I hold that it does not appear a *very consistent* course,—without saying anything more about it,—for a people generally calling themselves “a Christian people,” to make Sunday, or any part of it, subservient to ordinary public business and a making of money, the same as on any other day of the week; and he must be a *very* blind person, who will not see that the course of the Liquor Traffic in so many of its branches, and in its public manifestations, has made that day “subservient to public business and a making of money,” and worse than all, the article sold and partaken of in that traffic, leads to the excitement and a paralysis of the mind and body, and to the commission of acts unworthy of a people, calling themselves “a Christian people.” I write of Sunday. Let the acts of and for the rest of the week, in that traffic, speak. Your own paper the *Pilot* (which I regularly file, as I do of many other papers), shows to me, in its narration of facts, crimes, ac-

cidents, murders, &c., evidences sufficient, and so to any thinking person, having a desire for *some* social reform as to the Liquor Traffic, that there is upheld in our midst, and chiefly and almost entirely by Presbyterians, Episcopallians, (Church of England) and by Roman Catholics, a business and traffic which has poisoned, and is poisoning, the great masses of society, namely, the Intoxicating Liquor Business.

As I am an *interested* party in this matter, I may be presumed to have a *right* to put my views before the people of Canada. I have a *vested* interest in the liquor traffic, for by it, I chiefly make my livelihood; for, as it is increased and made to monopolise the many corners and by-places of this County of Perth, and as it protrudes itself in signs and tokens on the streets of this town and in our villages, *the more* that monopoly increases and is encouraged, the more money it is likely I will yearly make. It may be said of a truth, that of the two hundred places in this County licensed to retail intoxicating liquors, with the outlays for stock in trade, servants' wages, rents, &c., I have an interest in,—though as that traffic has not a penny in cash of my money vested in it, still as Clerk of the Peace for this County, and as the most undoubted public and private testimony shows that about seventeen to eighteen out of every twenty cases of petty and larger crimes, &c. arise from the use of intoxicating liquors, my interest will be apparent,—as the documents connected with these cases have in some way to be reported to me, and I have my fees therefrom. In fact, the more these cases arise, the more money I am justly believed to make, as there is *no salary* attached to my office, but *fees* alone. The anomaly, if it may be so called, appears, that I have been "quarrelling with my bread and butter!" So be it. I am contented, but I wish that a more *direct working* interest, a heartfelt anxiety and humanity for a reform in some way in this antagonistic warfare, was more apparent in *society* amongst professors of religion and the friends of Temperance. The *pride* of religion or of Temperance will no more enlist sincere members to its cause, than will the mere ritualistic encumbrances with scarcely a shadow of mercy and humanity.

But your kindness to me on more than one occasion, in inserting my communications, will not

however deter me, nor our friendship of nigh forty years, from asking you to point out to the people of Canada, what *plan* you would propose for an alleviation of the system whereby and from which the crimes &c. I refer to, arise? I ask you this, for I perceive in the *Pilot* of the 20th April an article as to "Restrictive Legislation" which is rather against the humane intentions of the principles of the Act I now write about. The sole and only intention I had, Dear Sir, in putting that measure forward, was for an endeavour to obtain a *mild* and limited restraint on the undue extent of the traffic in intoxicating drinks, and for a "protection to the Sabbath." The six days of the week, exclusive of Sunday, are surely enough to do any business in,—excepting such as may arise from necessity. The moral lawfulness of the *trade* in liquors, I by no means endorse. In the *Pilot* of the 14th January where you so kindly made the "Bill" public,—in fact you first gave it a public existence,—you prefaced it with some brief remarks, and you said,—"A similar bill known as the 'Forbes M'Kenzie Act,' has been the means of working a wonderful revolution in the social habits of the Scottish people." Lately I was put in possession of some pamphlets sent me by the Scottish Temperance League of Hope Street, Glasgow, which effectually and statistically show the very great benefits resulting from that Act.—I have no copy of the Act. I have an idea of its principle. The perusal of the pamphlet by D. M'Laren, Esq., late Lord Provost of Edinburgh, as published by the League, shows the whole system of whisky drinking, &c. and the results in Scotland. May the fact of *our* legislation in a more definite and extensive manner, show to our countrymen, an example borrowed from them. May our acts be as arguments to help them against those who may unjustly wish the traffic in its former position. May it there, never be so.

Natives of that "happy land" as we both are,—and the remembrances of Greenock and the Clyde I hope we will not forget, though I hail from "bonnie Rosa,"—and after a lengthened life, each of us of much experience, I trust that we will endeavour in this our adopted country to forward rather any liberal and just measure for a social good. I may, as I do, likely disagree with the *extreme* party who may desire to put "temperance" out of a just position, and call as a "sin," what I

would hesitate so to designate. Still, you must admit that the increase of the monopoly on our social habits, of the many diversified turns of the liquor traffic, and the consequences which are too palpable to be disguised, during the last thirty to forty years, (a long period) should induce "a lover of social reform" to put forward and to maintain some plan, whereby to some, or to a whole, extent the evils which arise, *from a trade of our own creating*, from a legislation of our making, might be alleviated.

If we have the power, and albeit the will to create systems and trades which picture to us now in many horrible and devilish shapes, anomalies and cruel evils in our social life; and if we have, as we have, the power to embalm such trades by legislative acts, have we the power and the will to review, and to reform, and to re-legislate about them? Is it humane and Christianly to do so? Is it a *manly* warfare with the world, disinterestedly to move for its, the world's better moral and social condition? We have the power if we have the will. I am certain you will approve of every just action for the exercise of that power.

But another objection arises, and it may be put in two branches:—1st. That it is unjust to be legislating as to the liquor trade, and making changes, and that during the currency of the term of the license to sell, &c. 2nd. What is the use of such laws, or of any restrictive mode, for there will be a breaking of the laws by smuggling, selling at unlawful times, drinking at such times, &c. These may be briefly answered:—1st. The *beginning* of the trade was by statute or ordinance, and year by year and period by period, since 1774, in Canada, the laws as to the sale and retail of intoxicating drinks and liquors have been changed and altered, and any one who will consult the statute book will find that it has been so. The trade is not a fixed one. Investments of any kind made in it, are made with a risk. It is a waste of time to rebut all outcries as to changes and alterations in the laws as to spirituous liquors, their sale, &c., —for the trade and traffic hangs on public opinion, sentiment, and legislation; and it is my hope that that sentiment will increase so as that the time will soon come, when there will be a *legislative expulsion of the trade as one dangerous to society*. 2nd. To the reflective mind, it will occur that even when our Lord and Saviour was, while on this

earth, preaching to and addressing the many crowds whom face to face he beheld, there were breaking of, and positive opposition to, his precepts and divine laws,—even we are to believe, there were “pickpockets in the crowds who listened to Him,”—and that though we have what we call a “higher law,” the laws of God in the ten commandments and otherwise, yet man being sinfully and rebelliously inclined, breaks and sets at naught even God’s own laws,—and what we also call our “lower laws” against murder, theft, &c. in our statute book, are broken every day. These laws are *prohibitory*; but we have in Upper Canada, the *Act 8 Vic. cap. 45* for a protection of the “Lord’s Day,” whereby all secular work, &c. on that day is *punishable*,—and we have the *prohibitory* laws as to selling intoxicating liquors to the Indians, which are solely prohibitory measures—see *3 Vic. cap. 13*, &c. Many laws which are prohibitory are scattered over our statute book, and our Municipal Acts contain every essence of prohibition.

I always looked upon the pleas against prohibition or restriction as to the liquor business, when we are *a legislating people*, as mere blinds and screens put in the paths of unthinking people, to be used *against all social reforms*. It is to be regretted that in the midst of a Christian professing people,—the great *majority* of whom profess so justly but so eagerly that profession and cling to it, while *their acts* give a *lie* or a *denial* of that profession. What would our Saviour himself say to his professed people, were he now coming amongst them? Would he not see an almost whole secularisation of Christianity, with even Ministers, alas! as well as people. What would he not see, and what would he too, not rebuke and condemn?—“O! Jerusalem, Jerusalem, &c.” that exclamation would be uttered in lightning fires?

But to sum up the whole, after years of accumulation of facts and observations, it is found that the traffic and trade in intoxicating drinks as between sellers and drinkers, *causes nigh seventeen to eighteen twentieths* of all our petty and larger crimes, besides a numerous class of evils in society and of many varieties, and a degradation of our common race, which it would be in vain from their greatness and extent for all our writers and authors to enumerate and detail,—supposing their facts and histories were confined to European

Christian nations ;—as amongst these nations the extensiveness of the evils prevail and exist. What of America ? God be praised, “the heathens” are so far saved from the accusations of such things, though, sad to say, the inoculation and introduction by professing Christians amongst such heathen nations of these things, causes rather the extermination and dis-civilization of the heathen !

To the sincerely religious and philanthropic man, there should appear no desire so great, for the general welfare of mankind, as “an increase of the sentiment that the trade and traffic in Intoxicating Liquors, as it was legislatively induced and encouraged, should be legislatively expelled, as one dangerous to society.”

I remain, dear Sir, yours truly,

JOHN J. E. LINTON.

[The above Letter appeared in the Daily *Pilot* of the 7th May, and Weekly *Pilot* of the 14th.]

NOTE.—It must appear to the philanthropist and to the several reformers of our present social habits, that there is a great lack of *working effort* amongst the ordained and licensed, and unordained and unlicensed Ministers and Preachers of religion, in the profession which they have adopted, for as their numbers in Canada and in the United States are to the proportion of the population, there is not a greater number of people to be taught and ministered to, enjoined and counselled, than what they can *easily enough* oversee and attend to. And if we look eastward to Europe, the numbers are very great. Look at the County of Kent, in England, as one instance. It is not here that the writer of the above letter can so easily point out the “blindness” which is over the Ministers of religion,—a darkness far more dense, it would seem, than the Egyptian darkness. If they shall not know of it hereafter, blessed will so many of them be. The profession they have chosen would *appear* to lead so many of them in the paths of iniquity and worldliness, and inhumanity and gross outrage to the Divine laws of their Divine master, and *that* profession, as acted, will lead such—and no very educated or observant and thinking person requires much to

know it—vile lead such to just where they are paid, and so many of them so well paid, to warn their separate flocks of hearers and followers to flee from!

It is inconceivable why the *non-exertion* principle is so much tolerated in a profession generally, where if *they feel* its importance, they should never give "sleep to their eyelids," till in numbers by thousands and hundreds of thousands (as their numbers are great, and more so than generally noted, when assistants in every shape are included) they would be found in remonstrances in person and by writing, with every influential person and personage, and body in all America, and in all Europe, showing *what is Christianity*, and *what is to be the result of a contravention of God's laws*.

It is inconceivable how far the worldliness and worldly pride of Ministers of religion, so generally as a class, should with rising generations of people, rather make them to be jeered and scoffed, than to be so justly revered when they deserved it. No Minister of religion "should serve two masters."

Till there is an entire separation of worldly power and secular interests, and secular pride, in the Ministerial profession, the present laxity of discipline, and of work, and of plan, and of sole missionary effort, (everywhere) will remain apparent, and so gross, as to be not unheeded.

And the *Liquor Traffic* is a trade and business which they, of the profession referred to, have not sufficiently set their minds and action against.

J. J. E. L.

